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The right to education

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur on the right to education, Kishore Singh, submitted in accordance with Human Rights Council resolutions 8/4 and 17/3.

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Interim report of the Special Rapporteur on the right to education

Summary

The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 17/3. It is devoted to the issue of domestic financing of basic education. It details human rights obligations for financing education and provides practical examples of national legal frameworks that ensure domestic financing. The report also contains an update on the situation of education in emergencies, pursuant to General Assembly resolution 64/290. The Special Rapporteur underlines that the attention and funding dedicated to education in emergencies continue to be insufficient and inadequate, and calls for more investment in preventive efforts and for a better protection of education during armed conflict.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 8/4 and 17/3. It addresses State obligations regarding public financing of basic education and the importance of legal frameworks ensuring domestic financing of such education. It also contains an update on the situation of education in emergencies, in accordance with General Assembly resolution 64/290.

2. Following his appointment by the Human Rights Council, Kishore Singh assumed his functions as Special Rapporteur in August 2010. Since then, he reported to the Human Rights Council at its seventeenth session, in June 2011. In his first report[1] he outlined priority areas to be examined in the course of his mandate and addressed in more detail State obligations to ensure equality of opportunity in education. He also reported on his first country mission to Senegal,[2] which was conducted in January 2011.

3. During his first year of work, the Special Rapporteur participated in a number of public events on education and worked to establish collaboration with States, international organizations and non-governmental organizations. The Special Rapporteur recently participated in two regional preparatory meetings of the Economic and Social Council, in Thailand in March and in Togo in April. In July, the Special Rapporteur participated in the annual ministerial review held during the High-Level Segment of the substantive session of the Council, which focused on internationally agreed goals and commitments with regard to education.

II. Financing basic education

4. The right to education is an internationally recognized right and the provision of adequate financial resources is essential to its realization. Article 26 of the Universal Declaration of Human Rights recognizes the right of everyone to education, which shall be free, at least in the elementary and fundamental stages. Since the adoption of the Universal Declaration of Human Rights, States have undertaken international legal obligations for the fulfilment of the right to education through various human rights instruments[3] and assumed the responsibility of providing the resources required for its realization.

5. Resource constraints, however, remain a major barrier to the realization of the right to education. Prospects for achieving the targets of millennium development goals 2 (Ensuring that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling) and 3 (Eliminating gender disparity in all levels of education no later than 2015) are bleak on account of a

[1] A/HRC/17/29 and Corr.1.

[2] A/HRC/17/29/Add.2.

[3] International Covenant on Economic, Social and Cultural Rights, articles 13 and 14, and the UNESCO Convention against Discrimination in Education comprehensively provide this right, which is also guaranteed by articles 28 and 29 of the Convention on the Rights of the Child, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, articles 10, 11 and 13 of the Convention on the Elimination of All Forms of Discrimination against Women, articles 30, 43 and 45 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and article 24 of the Convention on the Rights of Persons with Disabilities.

dearth of resources. The assessment prepared for the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals underlined the need for scaling up budgets and providing enhanced resources to accelerate progress in meeting those targets.[4] The Education for All Global Monitoring Reports in recent years have consistently pointed to insufficient funding for education. More recently, public expenditure cuts as a consequence of the global financial crisis have threatened to decrease support to the education sector, possibly jeopardizing recent advances.[5] For instance, 7 of 18 low-income countries reduced spending on education in 2009; those countries alone had 3.7 million children out of school.[6]

6. In view of the critical need to overcome resource constraints for the realization of the right to education and for the achievement of internationally agreed goals such as the millennium development goals and Education for All, in the present report the Special Rapporteur recalls States' obligations regarding the provision of domestic resources for basic education and presents examples of national legal instruments adopted to secure adequate financial resources for education.

A. Human rights obligations for financing education

7. In accordance with international human rights treaties, States are responsible for providing resources to ensure the enjoyment of human rights. Providing the necessary resources for the enjoyment of the right to education is all the more important, given that the enjoyment of this right is essential for the exercise of all other human rights. It deserves high priority in public investment, as both the individual and society are its beneficiaries.

8. States' obligations to ensure the provision of full resources to overcome constraints to the realization of the right to education consistently figure in the concluding observations adopted by the United Nations human rights treaty bodies. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have often expressed concern about declining educational standards due to lack of State investment in education and have recommended that the resources allocated to the education sector should be increased. The Committee on the Elimination of Discrimination against Women has also systematically urged States to increase investment in education as a fundamental human right and as a basis for the empowerment of women. Recommendations resulting from the Universal Periodic Review process of the Human Rights Council for the provision of increased resources to education further confirm the wide recognition of the central relevance of financing education for the fulfilment of human rights obligations.[7]

9. Commitments to finance education are also present in the International Labour Organization (ILO)/United Nations Educational, Scientific and Cultural Organization (UNESCO) Recommendation concerning the Status of Teachers (1966), which

[4] A/64/665, para. 71 (b).

[5] Several publications of the UNESCO International Institute for Educational Planning on the financing of education have also addressed this issue.

[6] UNESCO, Education for All Global Monitoring Report 2011, *The Hidden Crisis: Armed Conflict and Education*, p. 12.

[7] For example, recommendations addressed in 2009 and 2010 to Bolivia, Cambodia, Chile, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia and Spain.

recognizes the need for high priority to be given in all countries to setting aside, within the national budget, an adequate proportion of national income for the development of education.[8] In fact, the right to education is an integral part of the institutional mission of UNESCO, and Member States have the obligation of providing the necessary resources for its realization.

1. Ensuring progressive realization and avoiding retrogression

10. The concept of the progressive realization of economic, social and cultural rights, including the right to education, recognizes that their realization often extends over time. It also implies that measures to promote the fulfilment of a right must be adopted with a view to ensuring a sustainable expansion of its enjoyment across the country. When referring to the progressive realization of the right to education, the Committee on Economic, Social and Cultural Rights emphasized that States parties to the International Covenant on Economic, Social and Cultural Rights have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of that right. It also underlined: "there is a strong presumption of impermissibility of any retrogressive measures".[9] In that sense, support to education must be driven by consideration of the need to ensure the gradual expansion of the education sector.

11. Various United Nations human rights treaty bodies have expressed concern regarding the possible impact of economic crises on the enjoyment of human rights. The Committee on Economic and Social Rights specified that "even in times of severe resources constraints, whether caused by a process of adjustment, of economic recession or by other factors, the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes".[10] More recently, the Human Rights Council adopted a resolution in which it called upon States to note that the global economic and financial crises did not diminish the responsibility of national authorities in the realization of human rights.[11]

2. Fulfilling core obligations

12. States' obligations to satisfy, as a matter of priority, "minimum essential levels of each of the rights" recognized in the International Covenant on Economic, Social and Cultural Rights, also referred to as "minimum core obligations", have immediate effect. Core obligations relating to the right to education include the obligation to provide primary education free of charge for all in accordance with article 13.2 (a) and the obligation to adopt and implement a national educational strategy that includes the provision of secondary, higher and fundamental education.[12] Article 14 of the Covenant further underlines the core obligation to adopt a plan of action aimed at securing the progressive implementation of the right to compulsory primary education, free of charge, within a reasonable time frame.

[8] ILO/UNESCO Recommendation concerning the Status of Teachers, para. 10 (1).

[9] Committee on Economic, Social and Cultural Rights, General Comment No. 13, paras. 44 and 45.

[10] Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 12.

[11] Human Rights Council resolution S-10/1 of 23 February 2009.

[12] See Committee on Economic, Social and Cultural Rights, General Comment No. 13, para. 52.

3. Ensuring the provision of maximum available resources

13. The International Covenant on Economic, Social and Cultural Rights,[13] the Convention on the Rights of the Child[14] and the Convention on the Rights of Persons with Disabilities[15] are all explicit about States parties' obligations to provide maximum available resources to ensure the enjoyment of human rights.

14. In its general comment on the nature of States parties' obligations, the Committee on Economic, Social and Cultural Rights underlined that even where the available resources are inadequate for the realization of economic and social rights, the obligation remains for a State party to strive to ensure the widest possible enjoyment of those rights under the prevailing circumstances, to monitor the extent of their realization, and to devise strategies and programmes for their promotion.[16] Mentions of resources refer to financing, but not exclusively.

4. Providing international assistance and cooperation

15. Under the International Covenant on Economic, Social and Cultural Rights, States have an obligation to take steps individually and through international assistance and cooperation, to the maximum extent of their available resources, with a view to achieving the progressive realization of rights. The specific obligations of the international community towards financing the right to education have been underlined by the Committee on Economic, Social and Cultural Rights.[17] At the same time, States requiring international assistance must seek and manage aid in accordance with human rights norms and standards.

16. By virtue of the principle of international solidarity, least developed countries, faced with serious financial constraints, deserve such assistance, a priori. Development partners must provide "financial and technical support" to those countries "to implement their national education plans and programmes, including increased accessibility in rural and remote areas". For their part, the least developed countries need to strengthen their national education systems.[18]

17. A number of political declarations on international aid underline the need for the adequate management of domestically available resources by recipient countries, which must contribute to the enhanced sustainability of development efforts. For example, through the 2005 Paris Declaration on Aid Effectiveness, partner countries commit themselves to "intensify efforts to mobilize domestic resources, strengthen fiscal sustainability and create an enabling environment for public and private investment".[19] Similarly, the United Nations Global Compact launched by the

[13] Article 2.1.

[14] Article 4.

[15] Article 4.2.

[16] Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 11.

[17] Committee on Economic, Social and Cultural Rights, General Comment No. 11 (1999), para. 9, and General Comment No. 3 (1990), para. 14.

[18] Programme of Action for the Least Developed Countries for the Decade 2011-2020, adopted by the Fourth United Nations Conference on the Least Developed Countries, held in Istanbul from 9 to 13 May 2011 (A/CONF.219/3/Rev.1), para. 74.2 (a) and 1 (c), and para. 72.1 (c).

[19] Paris Declaration on Aid Effectiveness, Part I: Statement of Resolve, para. 25. The Statement of Resolve reflects commitment to strengthening partner countries' national development strategies and associated operational frameworks (e.g. planning, budget, and performance assessment frameworks) and "defining measures and standards of performance".

Secretary-General at the International Conference on Financing for Development, held in Monterrey, Mexico in 2002, provides that if developing countries improve governance and achieved results, the donors would come up with the necessary funding to reach the millennium development goals.[20] The Education for All Fast Track Initiative, the most important mechanism of international assistance for education, was designed to assist countries to achieve millennium development goal 2 and the Education for All goals, and pays particular attention to the adequate management of domestic resources by recipient countries.

18. In 2006, States and international organizations involved in development aid established the Leading Group on Innovative Financing for Development to devise additional international financing mechanisms to promote global development. The International Task Force on Innovative Financing for Education, established as part of that initiative, is currently discussing a number of alternatives to enhance funding for education,[21] including the mobilization of domestic resources as well as international aid.[22]

5. Relevant global political commitments

19. Commitments to finance primary education are expressed in numerous international declarations and are at the heart of major global campaigns. At the World Education Forum in 2000, Governments, along with other stakeholders, pledged themselves to a strategy, inter alia, to "mobilize strong national and international political commitment for education for all, develop national action plans and enhance significantly investment in basic education".[23] Those pledges include the commitment that "political will must be underpinned by resources". It is thus incumbent upon Governments to provide domestic resources for achieving Education for All. Access to education, as a basic human right, is considered a "strategic development investment".[24]

20. The Millennium Development Goals should also be construed as a reaffirmation of obligations expressed in human rights treaties and, therefore, of the responsibility of Governments to provide financial resources for education. Millennium development goal 2 reflects the obligation to ensure universal primary education, including the obligation to ensure that no direct or indirect costs deprive children of their right to education. Millennium development goal 3 reflects the obligation to ensure gender parity at all levels of education, including the duty to provide financial resources for that purpose.

[20] The underlying idea of debt swaps in education is the cancellation of external debt in exchange for the debtor Government's commitment to mobilize domestic resources for spending on education, for example.

[21] See Leading Group on Innovative Financing for Development, "2+3=8: Innovating in financing education: Report of the Writing Committee to the Task Force on Innovative Financing for Education", 2010.

[22] Discussed at the second meeting of the Education International Task Force of the Leading Group on Innovative Financing, Paris, 17 June 2010.

[23] Dakar Framework for Action, adopted at the World Education Forum, 2000, para. 8 (i).

[24] World Bank Group Education Strategy 2020, *Learning for All: Investing in People's Knowledge and Skills to Promote Development*, Executive summary, p. 1.

B. National legal framework for financing basic education

21. It is incumbent upon States to incorporate in domestic law their international obligations to finance education. Provisions for public funding of education in a country's constitution, national legislation and educational policies are crucial to give effect to obligations relating to the realization of the right to education. The Special Rapporteur considers that the adoption of a national legal framework for financing education indicates the importance and priority given to the right to education.

22. Through law reforms promoted in the context of the Education for All process, one can witness the emergence of the right to basic education in continuum with the right to primary education in national legal frameworks. As a result, States recognize their duty to guarantee universal access to basic education. The 2009 Commonwealth Heads of Government Meeting, for example, called on all Commonwealth countries to commit further resources to basic education.[25]

1. Constitutional provisions

23. Constitutional provisions on financing education provide a firm basis for developing national legislation and education policies. Such provisions exist in several countries that have different criteria for determining minimum levels of investment in education.

24. Some constitutions establish a minimum level of resources that must be committed to education as a proportion of tax revenues. The Constitution of Brazil provides in article 212 that "the Union shall apply annually not less than 18 per cent of its tax revenues, and the States, the Federal District, and Counties at least 25 per cent of the tax revenues, including revenues resulting from transfers, for the maintenance and development of education".

25. Other constitutions establish a minimal share for education in the overall national budget. The Constitution of Indonesia, as revised in 2002, establishes in article 31 (4) that the State shall prioritize the budget for education to a minimum of 20 per cent of the State budget and of the regional budgets to fulfil the needs of implementation of national education.

26. Other constitutions use the national gross domestic product (GDP) to calculate the minimum support required for education. The 2008 Constitution of Ecuador provides that public expenditure for education shall be 6 per cent of GDP. The 1997 Constitution of Costa Rica contains similar provisions.

27. Finally, other constitutions lay down the obligation to prioritize investment in education. The Constitution of Ethiopia provides that "the State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services" (art. 41 (4)). Similarly, the Constitutions of the Philippines and of Viet Nam provide that the State shall give priority investment to education.

[25] Communiqué of the Commonwealth Heads of Government Meeting, held in Trinidad and Tobago from 27 to 29 November 2009, para. 89.

2. National legislation and budgetary allocation for basic education

28. The Committee on Economic, Social and Cultural Rights has underlined the importance of national legislation for giving effect to State obligations.[26] National legislation developed in many countries, often in the context of the Education for All process, contains important provisions for financing basic education, establishing minimal levels of financial support and responsibilities in that regard. Recent developments that can be cited as practical examples are described below.

29. In South Africa, basic education is a constitutional right. The South African Schools Act, 1996 provides that "subject to the Constitution and this Act, the Minister must determine norms and minimum standards for the funding of public schools after consultation with the Council of Education Ministers, the Financial and Fiscal Commission and the Minister of Finance" (para. 35).

30. In Nigeria, the Act on Compulsory Free Universal Basic Education, 2004, which provides for nine years of compulsory basic education, establishes the Universal Basic Education Commission, entrusted with the task of implementing the right to basic education and with the provision of resources. The universal basic education programme is financed by 2 per cent of the Consolidated Revenue Fund.

31. In Argentina, the National Education Law No. 26.206 of 2007 provides that the resources for education shall be increased to 6 per cent of GDP in 2010. The Law lays down a right to compulsory schooling from the age of 5 until the completion of secondary education (art. 16).

32. In Mexico, the General Law on Education, revised in 2003, provides for 8 per cent of GDP to be allocated to public education and education services (art. 25). It is reported that this contributed to an increase in support to education.

33. In India, policies for financing basic education have emanated from national legislation, as exemplified by measures being taken for the implementation of the Right of Children to Free and Compulsory Education Act, 2009. An exponential increase in expenditure on education in the country's five-year plan is reported as a consequence of this framework.

34. In Senegal, Law 91-22 of 1991 on the orientation of national education, modified in 2004 by Law 2004-37, institutes compulsory schooling for all children aged between 6 and 16, which is free in all public schools. The recognition of the duty to provide education was reportedly followed by an increase in national investment to nearly 40 per cent of the national budget.

35. In Kenya, the adoption of the Children's Act of 2001 and of education strategies for the 21st century underlined the core commitment to universalize primary education. It is reported that resource allocations to education have increased significantly as a result of that commitment.

36. In China, the Compulsory Education Law, as amended in 2006, provides for nine years of basic education. It guarantees that basic education will be financed by the State Council and local people's governments. The National Plan for Medium

[26] Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 3: "The means which should be used in order to satisfy the State obligation to take steps are stated in article 2 (1) to be 'all appropriate means, including particularly the adoption of legislative measures.'"

and Long-term Education Reform and Development (2010-2020) recognizes that funding of education is a basic and strategic investment. Under the plan, it is proposed to raise public expenditure on education to 4 per cent of GDP by 2012.

37. Some legal frameworks devolve financing responsibilities to subnational entities. In Iceland, the Compulsory School Act No. 19 of 2008, provides that the municipalities shall finance the capital investment costs of compulsory education. In Thailand, the National Education Act, 1999 authorizes the State and local bodies to levy educational taxes as appropriate. Some countries having a federal system make specific financing arrangements in terms of the competence and responsibility of federal and provincial (state) authorities.[27]

3. Mobilization of additional resources for education

38. Legal instruments can enable the mobilization of additional resources for education. A 2 per cent education cess on all central taxes levied in India has resulted in an important expansion of funding for the elementary education sector. Similarly, the National Plan of China, mentioned above, proposes an education surtax accounting for 3 per cent of the value-added tax, to be spent specifically on educational undertakings. Mobilizing additional resources through such special taxation schemes is crucial in reinforcing budgetary provisions.[28]

39. Public investment in basic education can be enhanced by mobilizing additional resources from contributions of local bodies, private donors and communities through institutional mechanisms that supplement Government funding. For example, the Tanzania Education Authority, under the Education Fund Act, 2001 can "receive gifts, donations, grants or other moneys on behalf of the Fund". Similar mechanisms exist, for instance, in India with the Bharatiya Shiksa Kosh (education fund) and in Nigeria with the Education Tax Fund. It must be ensured that the modus operandi of all such institutional mechanisms is fully respectful of transparency and accountability.

40. The present report focuses only on financing education through public resources. However, it is clear that the private sector can complement State initiatives in providing education by entering into partnerships with Governments for equitably sharing responsibilities.[29] It should, however, be ensured that such partnerships operate within a legal framework that requires full compliance with human rights norms and with standards of quality education.

C. Concerns requiring further consideration

41. As described above, human rights instruments clearly establish State obligations to finance education. Translating these obligations into practice requires a number of legal and policy instruments to ensure that investment in education is

[27] For instance, in India, within the framework of the Right of Children to Free and Compulsory Education Act, 2009, the Federal Government will contribute 65 per cent of the public funding of education as against the 35 per cent contribution of States.

[28] In this context, it is important to note that reflections on innovative financing in education include several proposals for new mechanisms intended to offset the investment deficit in education and sustain funding over the long term.

[29] Jakarta Declaration, adopted at the International Conference on the Right to Basic Education as Fundamental Human Right and Legal Framework for its Financing, December 2005.

predictable and sustainable and that financial resources are made available and properly utilized in a timely manner to ensure the broadest possible enjoyment of the right to education. Adopting a legal framework for financing education offers an important tool for fostering accountability, as action affecting public investment in education can become the subject of domestic legal action.[30]

42. Below, the Special Rapporteur mentions some core concerns that deserve further attention in the implementation of legal instruments for financing basic education.

1. Securing adequate financial resources for basic education

43. In order to overcome resource constraints on the Education for All agenda, the High-level Group on Education for All has advocated for ensuring that a minimum proportion of national budgets (15 to 20 per cent) or share of GDP (4 to 6 per cent) is dedicated to education.[31] As described above, mechanisms establishing that a proportion of overall public expenditure or the revenue from specific taxes is earmarked to education have already accomplished results in the expansion of funding for education in various countries. It is clear that an evaluation of the effectiveness of those mechanisms over time will depend on the overall functioning of fiscal and budgetary policy mechanisms in place in a given State.

2. Ensuring adequate utilization of resources for education

44. While allocating the maximum amount of domestic resources to education is crucial, it is of equally critical importance to ensure their effective and optimal utilization.[32] Beyond securing funds for education, legal instruments protecting the right to education can further guide State action for the utilization of resources assigned to education in accordance with human rights obligations.

45. Bearing in mind the obligation to ensure universal primary education and commitments to meet the Millennium Development Goals and the Education for All agenda, public funding for primary and basic education should be ensured as a matter of priority.

46. Evaluation of the effectiveness of financial management in the area of education requires attention to the core principles of equality and non-discrimination. In the allocation of funds to the various education levels and regions within a territory, prevailing socio-economic disparities and their implications for the education sector must be taken into consideration. In situations where schools are funded through subnational budgets, it is also necessary to ensure

[30] For example, the Constitutional Court of Indonesia passed a resolution in 2008 reminding the lawmaker to meet the constitutional obligation to provide at least 20 per cent of the national budget to education in the fiscal year 2009. The Government accordingly was obliged to increase the budget for education.

[31] The High-level Group on Education for All, since its Fifth Meeting, in 2005, has consistently been recommending such measures to Governments. At its Tenth Meeting, held in March 2011, the High-level Group called upon national Governments to allocate at least 6 per cent of gross national product (GNP) and/or 20 per cent of public expenditure to education and to ensure the cost-effective use of resources.

[32] Committee on the Rights of the Child, Day of General Discussion on "Resources for the rights of the child — responsibility of States", 21 September 2007.

that differences in revenues collected locally do not result in inequalities between regions.

47. Specific resources must be ensured to address the root causes of the exclusion from education of girls, those living in poverty or with disabilities, ethnic and linguistic minorities, migrants, and other marginalized and disadvantaged groups. Specific measures targeting important obstacles to education must be considered, including the abolition of school fees and the provision of subsidies for other costs, such as textbooks, uniforms and transportation.[33] Temporary special measures to provide financial support to such groups through affirmative action have a normative basis in international human rights treaties.[34] Particular attention must be paid to the principles of transparency and accountability in the management of education budgets.

3. Responding to quality imperatives

48. Finally, frameworks regulating education expenditure must give foremost consideration to the improvement of quality education, recognizing the centrality of education in people's lives and the empowering role of quality education. Often education budgets are fully consumed by recurring expenditure, mostly teachers' salaries, which, unfortunately are often very low and result in difficulties in attracting qualified professionals.[35] Investment in essential areas such as the development of pedagogic materials, the training of teaching personnel and improving working conditions remains neglected. The Special Rapporteur intends to examine this question in another thematic report, on quality education.

D. Conclusion and recommendations

49. **States cannot fulfil their international obligations concerning the realization of the right to education unless they provide the necessary resources for education and make them available on a consistent and predictable basis. For this purpose, national legal and policy frameworks ensuring investment in education play a crucial role. They are also essential in accelerating sustainable progress towards achieving the Millennium Development Goals and moving the Education for All agenda forward. Education is indeed the best investment a country can make and deserves the highest priority in resource allocation. As a global public good of paramount importance, education should receive strong commitments from global leaders for its funding.**[36]

50. **In that spirit, the Special Rapporteur provides the following recommendations:**

[33] A/64/665, para. 71 (b).

[34] Article 13 of the International Covenant on Economic, Social and Cultural Rights provides for "an adequate fellowship system", inter alia, with respect to achieving full realization of the right to education. Similarly, the UNESCO Convention against Discrimination in Education lays down the criterion of "merit or need" with respect to "the grant of scholarships or other forms of assistance to pupils" (art. 3 (c)).

[35] Teachers' salaries have been doubled in Ecuador under the Law on Intercultural Education, 2011.

[36] Fourth meeting of the International Task Force on Innovative Financing for Education, UNESCO Headquarters, Paris, 4 February 2011.

(a) Securing investment in education through domestic legal frameworks

51. **A national law whereby at least a minimum level of investment is indispensably assured for quality education is highly necessary. Following up on the recommendations made consistently by the High-level Group on Education for All, the establishment of an internationally accepted norm, whereby a certain minimum percentage of GNP (4-6 per cent) or of the national budget (15-20 per cent) is allocated to education may be valuable in providing the basis for developing a national legal and policy framework.**

(b) Devising strategies to increase resource allocation

52. **It is of crucial importance for countries to devise new approaches to resource allocation and its utilization. To enhance investment in education as a national priority, budget lines for education can be provided for in various ministries concerned with social development (ministries of social welfare, child and women's development, labour, health, etc.). At the same time, broadening the tax base is important for creating more budgetary resources.**

(c) Promoting public debate and exchange of experiences

53. **Education does not often receive the priority it deserves at the national level in terms of budget allocations. To ensure that education receives priority attention, it would be expedient to promote public dialogue among ministers of education and ministers of finance and planning on the necessary steps to secure maximum funding for education. An exchange of ideas and approaches among countries regarding legal and policy frameworks for financing education would enable national authorities to draw upon available experiences and practical examples from a comparative perspective and could provide insight into new avenues for investment in education.**

(d) Giving particular attention to the financing of basic education in providing technical assistance to Governments for the development of national legal frameworks

54. **Pursuant to Human Rights Council resolution 17/3, UNESCO and UNICEF should be encouraged to continue to provide technical assistance to Member States for modernizing/developing national legislation. In this process, the importance of provisions for the financing of basic education should be emphasized.**

(e) Responding to quality imperatives

55. **Budgetary provision for quality education is scarce as almost the totality of resources assigned for education go to recurring expenditure. A paradigm shift is required to respond to quality imperatives, which remains a daunting challenge.**

III. Update on education in emergencies

56. The General Assembly, in its resolution 64/290, requested the Special Rapporteur to include in his next interim report to the General Assembly at its sixty-sixth session an update to the report on the right to education in emergencies

submitted in 2008 by his predecessor (A/HRC/8/10) in order to identify gaps and remaining challenges in ensuring the right to education in emergency situations.

57. In the 2008 report, emergencies were defined as any crisis situations due to natural disasters, or to armed conflict, which may be international (including military occupation) or internal, as defined in international humanitarian law, or post-conflict situations. It was pointed out in the report that, besides being a widely recognized State obligation, ensuring adequate education was indispensable for preventing emergencies and ensuring success in peacebuilding and recovery efforts. It was underlined, however, that education was frequently found to be interrupted, delayed or even denied during emergencies and in the reconstruction process. In the report a number of recommendations were presented to States and intergovernmental and non-governmental organizations for better protecting education and ensuring its inclusion as an integral part of the humanitarian response to conflicts and natural disasters.

58. The current update is divided into six sections reflecting the content and core recommendations of resolution 64/290. Each section provides an indication of remaining challenges in the promotion of education in emergencies, and progress made in the past three years. The first section focuses on the recommendation for increasing political and financial support to education in emergencies. The second section addresses the recommendation to better protect schools from attacks and to ensure accountability. The third section addresses the recommendation to better prepare education systems for situations of natural disaster. The fourth section addresses the recommendation that attention be given to the specific needs of girls and other marginalized groups. The fifth section focuses on the recommendation to ensure quality education in emergencies. The sixth section is dedicated to the need for improving the collection of data on education in emergencies.

59. The preparation of the present update benefited from an extensive submission prepared through a collaborative consultative process led by a group of international and non-governmental organizations with expertise on education in emergencies.[37] The Special Rapporteur expresses his gratitude to all those who compiled or shared information for the preparation of the update.

A. Ensuring political and financial support to education in emergencies

60. Millions of persons continue to be deprived of their right to education in emergencies. Enhanced political attention and sustainable financial support are essential to safeguard this fundamental right. Lack of sufficient attention to education in emergencies continues to affect prospects for achieving both the Millennium Development Goals and the Education for All (EFA) goals. The *EFA Global Monitoring Report, 2011* underlines that around 28 million children of primary school age in conflict-affected countries are estimated to be currently out of school. This represents 42 per cent of the total number of children in the world who

[37] Education Above All, the Inter-Agency Network for Education in Emergencies, the Right to Education Project/ActionAid International, Save the Children International and the United Nations Children's Fund co-signed the submission.

are out of school.[38] Education is also at risk from natural and man-made disasters: an estimated 875 million schoolchildren live in high seismic risk zones and hundreds of millions more face regular flood, landslide, extreme wind and fire hazards, as well as slow onset disasters.[39]

61. General Assembly resolution 64/290 reflects States' recognition of the urgency of ensuring the realization of the right to education as an integral element of humanitarian assistance and response. Debate and research efforts within the United Nations system are helping to unveil what has been called a "hidden crisis" by the *EFA Global Monitoring Report*. Thematic days of discussion focused on the topic were conducted by the Committee on the Rights of the Child in 2008 and the General Assembly in 2009.

62. Increased and more coordinated attention to education among the stakeholders providing humanitarian assistance remains a key concern. The recent partnership between The Sphere Project and the Inter-Agency Network for Education in Emergencies (INEE) in preparing the companionship agreement guiding the integration of quality education in humanitarian response represents an important step in the promotion of more coherent and dedicated attention to education within the humanitarian community. Traditionally excluded from humanitarian priorities, the restoration of access to education continues to be cited as a priority by families and young people affected by emergencies.[40] Responding to the needs identified by communities affected is an essential component of humanitarian responses, and central to the implementation of the right to education.

63. Despite the increased recognition of the importance of education in emergencies by the international community and by communities affected by emergencies, funding remains extremely limited. Only a few donor agencies have explicitly included education as part of their humanitarian policies.[41] The *EFA Global Monitoring Report, 2011* underlined that in 2009, the share of humanitarian aid dedicated to education in conflict-related emergencies represented merely 2 per cent of total humanitarian aid.[42] It concluded:

> Education is the poor neighbour of a humanitarian aid system that is underfinanced, unpredictable and governed by short-termism. It suffers from a double disadvantage: education accounts for a small share of humanitarian appeals, and an even smaller share of the appeals that get funded.[43]

64. Evaluations indicate that some particularly fragile countries requiring education funding are left behind, with donors clearly prioritizing countries linked with their security priorities: official development assistance to fragile States is

[38] UNESCO, *EFA Global Monitoring Report, 2011*, p. 15.

[39] International Strategy for Disaster Reduction, Inter-Agency Network for Education in Emergencies and World Bank, *Guidance Notes on Safer School Construction* (New York, INEE; Washington, World Bank Global Facility for Disaster Reduction and Recovery, 2009).

[40] INEE, *INEE Reference Guide on External Education Financing* (New York, 2010).

[41] Until 2010, Canada, Denmark, Japan, Norway and Sweden included education in their humanitarian aid policies. In 2011, donor agencies in Australia (AusAID) and the United States of America (USAID) reflected education in emergency situations and conflict-affected countries, respectively, in their education strategies. See Save the Children, "Making it happen: financing education in countries affected by conflict and emergencies", 2011.

[42] UNESCO, *EFA Global Monitoring Report, 2011*, p. 204.

[43] Ibid., p. 19.

highly concentrated, with 51 per cent of 2008 official development assistance for 43 fragile States benefiting just six countries, which account for only 23 per cent of the population of the total number of fragile States.[44]

65. The volatility of support is another cause of concern. As already indicated, the sustainability of financial support is crucial for the adequate functioning of education systems. It can only be ensured through continued financial support enabling programmes to continue their course uninterrupted. Important opportunities are missed in post-emergency situations because of the lack of sustainable support and funding in the transition from a humanitarian response to a development framework. The need for further investment in national planning and information systems in recipient countries is also underlined in those contexts.[45]

66. The Education For All — Fast Track Initiative is working to increase its support to fragile States, but so far has lacked the capacity to deliver financing in acute emergency settings.[46] In addition to bilateral support, a number of additional financing modalities exist to finance education in emergencies, but these are still clearly insufficient.

67. The Special Rapporteur underlines that emergencies do not relieve States from their obligation to take all appropriate measures to ensure the realization of the right to education of all persons in their territories, including non-nationals, refugees or internally displaced groups. Ensuring financial support for primary education in order to guarantee that it continues to be available during emergencies, making secondary education available without discrimination and promoting access to higher education on the basis of capacity are nothing more than the fulfilment of a human rights obligation.

68. Given the fragility of some States affected by emergencies, and the central role of international assistance and cooperation in that context, it is important to recall that the obligation to provide international assistance is established in human rights law.[47] It is also reflected in numerous international declarations, including the Dakar Framework of Action on Education for All, adopted by the World Education Forum in 2000. Moreover, as noted above, States requiring assistance are also obliged to seek and manage external assistance in accordance with human rights principles.

[44] Organization for Economic Cooperation and Development (OECD)-Development Cooperation Directorate (DAC) factsheet, "Ensuring fragile States are not left behind", Paris, December 2010.

[45] UNESCO, *EFA Global Monitoring Report, 2011*, p. 227.

[46] Meeting of the Education for All Fast Track Initiative Board of Directors, 2011.

[47] See Articles 55 and 56 of the Charter of the United Nations, articles 2.1 and 11 of the International Covenant on Economic, Social and Cultural Rights, article 4 of the Convention on the Rights of the Child and article 32 of the Convention on the Rights of Persons with Disabilities.

B. Protecting education from attack

69. Attacks against schools and institutions of higher education violate human rights and humanitarian law.[48] Nonetheless, as recently reported by the Secretary-General, attacks against schools are a significant concern and a growing trend.[49] Insecurity still prevails in many education institutions located in conflict zones, with long-lasting consequences for education systems and students.

70. Studies indicate a continued increase in the reported number of attacks on education in situations of conflict and widespread violence over the past three years.[50] Such episodes include harming or killing students and school personnel, damaging or destroying education facilities and ultimately preventing thousands of students from attending school or university owing to closures. The Institute of International Education's Scholar Rescue Fund[51] reports that applications from threatened scholars doubled during the period 2008-2011 as compared to the previous period. In certain situations, the use of schools by armed elements has compromised the civilian nature of schools and put students and teachers at risk.[52]

71. Despite deficiencies in monitoring mechanisms, increased attention on the part of the international community to situations of attack against education in emergencies can be noted. In 2010, the Global Coalition to Protect Education from Attack was established by international and non-governmental organizations to jointly promote efforts to prevent, respond to and monitor attacks against education. The Secretary-General included information on such situations in his most recent report on children in armed conflict.[53] The same was done by the Special Representative of the Secretary-General for Children and Armed Conflict, who recalled the importance of protecting schools against attacks and underlined that "enhancing accountability mechanisms for such crimes is key to ensuring that schools remain safe havens and zones of peace".[54]

72. The Special Rapporteur considers that enhancing the capacity of mechanisms monitoring situations where education systems are targeted by those involved in armed conflict is essential to end invisibility and impunity. In that regard, he welcomes the recent adoption by the Security Council of resolution 1998 (2011), in which, expressing deep concern about attacks against schools, the Council requested the Secretary-General to include in the annexes to his reports on children and armed

[48] The right to education during conflict is protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Under international humanitarian law, schools and educational institutions are civilian objects that are protected from deliberate attack unless and only for such time as they are being used by belligerent forces for a military purpose. See article 8 of the Rome Statute of the International Criminal Court.

[49] A/65/820-S/2011/250, para. 211.

[50] N. Boothby, A. Ager and R. Quinn, "Feasibility study for a global monitoring system for attacks on education: definitions and typology", CPC Learning Network, Doha; Education Above All, New York, 2011.

[51] The Institute of International Education (IIE), an independent non-profit organization, has participated in the rescue of persecuted scholars since its founding in 1919. In 2002, IIE launched the Scholar Rescue Fund (SRF) as a formalized response to this ongoing international dilemma. SRF cooperates closely with the Scholars at Risk Network, the Council for Assisting Refugee Academics and similar organizations.

[52] A/65/820-S/2011/250, para. 211.

[53] Ibid.

[54] A/64/254, para. 25.

conflict information about recurrent attacks on schools and recurrent attacks or threats of attacks against protected persons in relation to schools. The Security Council's monitoring and reporting mechanism has already played an important role in the identification of grave violations committed against children in armed conflict, and continuing and growing attention to attacks against schools will be vital to enhance protection of the right to education. To further ensure accountability, the capacity of domestic and international justice systems must also be enhanced, allowing for the prosecution of perpetrators, including non-State actors.

73. Beyond ensuring accountability for attacks against schools, targeted efforts are also required to prevent the occurrence of attacks against schools and other education institutions and to prepare them for situations of insecurity in order to minimize the damage armed conflict may cause. Finally, dedicated efforts are required to assist victims in their recovery and to ensure appropriate individual and collective reparation for these education-related violations.

C. Preparing education systems to cope with natural disasters

74. The increasing number of natural disasters must not be ignored by those in charge of education systems. Schools not only play a crucial role in preparing communities to be more resilient in such situations, but also need to be adequately prepared to minimize the harm that natural disasters may eventually cause to their own functioning. Thus, specific attention to the education sector is required in the development of overall disaster risk reduction strategies. At the same time, schools must develop and adopt systematic safety and security measures adapted to the specific circumstances they face.

75. Schools are often not constructed or maintained to be disaster resilient. An extensive consultation with children around the globe resulted in the recent preparation of a children's charter for disaster risk reduction,[55] which highlights the need for schools to be safe and education not to be interrupted. INEE coordinated the preparation of guidance notes on the necessary steps to ensure the construction of safer schools and the adaptation of existing ones.[56] A major effort is needed to build technical capacity for, and ensure the adoption of, safer standards for education infrastructure to avoid tragedies where seismic or other hazards take the lives of large numbers of children in unsafe schools.

76. Attention is being paid also to the use of schools as a platform to increase the preparation of learners and education staff for disasters and their aftermath. Several countries have included disaster risk reduction elements in their school curriculum,[57] others have considered making disaster risk reduction and climate change adaptation a national education priority.[58]

[55] Children's Charter — an action plan for disaster risk reduction by children for children, available from www.childrenmachangingclimate.org.

[56] Global Facility for Disaster Reduction and Recovery, *Guidance Notes on Safer School Construction*, 2009.

[57] Global Platform for Disaster Risk Reduction, "Aligning regional and global disaster risk reduction agendas: Summary of key regional political commitments & disaster risk reduction priorities", 2011, p. 20.

[58] Ibid., p. 25.

77. The Special Rapporteur underlines that investing in preventive efforts through education is crucial to protect schools and the communities they serve from the impact of natural disasters. Therefore, education systems must be actively engaged in the development and implementation of risk management strategies. Through their regular activities, schools must also contribute to establishing a culture of prevention and preparedness among students, staff and the communities to which they belong. Considering that the risks and needs of communities vary greatly, even within the same region, it is important to ensure that risk management strategies are prepared through meaningful participatory processes involving the communities where schools are located.

D. Ensuring attention to girls and marginalized groups

78. The failure of Governments to tackle persistent inequalities based on income, gender, location, ethnicity and language is one of the reasons for the limited progress in the realization of the Education for All goals[59] as well as the Millennium Development Goals. Obstacles to schooling that are already present during periods of normality have their impact obviously magnified in emergency contexts. The costs of schooling can greatly increase and commuting between school and home often becomes very difficult and insecure, further excluding those living in poverty or more vulnerable to violence. In this sense, targeted initiatives identifying marginalized groups and addressing their specific needs are necessary to avoid widening inequalities in education.

79. Efforts to ensure gender parity in education are particularly relevant in this context. Attention has been drawn to the pervasive harm of sexual violence during conflict, which directly and indirectly affects female teachers and students.[60] Insecurity on the way to and from and within schools or colleges appears as a central element in the exclusion of girls from the education system. The lack of separate sanitary facilities in emergency schools can also constitute a major barrier to girls' education.

80. Despite the obvious resource constraints experienced in emergencies, neglecting the impact of discrimination and structural inequalities in education while planning, implementing and evaluating education policies in these situations can lead to further marginalization and in some cases contribute to a recurrence of conflict.

81. Refugees and internally displaced persons continue to face great obstacles when seeking education outside their communities of origin. Data collected by the Office of the United Nations High Commissioner for Refugees within official camps indicated limited and uneven access to education across camps; the overall primary school participation rate of refugee children in camps was 69 per cent and at the secondary level only 30 per cent.[61] Several countries maintain administrative barriers to the enrolment of both refugee and internally displaced children, despite human rights obligations to provide education without discrimination of any kind to

[59] UNESCO, *EFA Global Monitoring Report* 2009, *Summary*, *Overcoming Inequality: Why Governance Matters*, pp. 4, 7 and 39.

[60] UNESCO, *EFA Global Monitoring Report 2011*, p. 190.

[61] Dryden-Peterson, S., "Conflict, education and displacement", in *Conflict & Education: An Interdisciplinary Journal*, Toronto, 2011.

all children living in their territories[62] and the relevant provisions of the Convention relating to the Status of Refugees.[63] Short-term financing of projects in situations of prolonged displacement threatens the education, and progression, of many thousands of refugee and internally displaced children;[64] gaps in the financing of education in such situations must be addressed as a matter of priority because of the long-lasting impact of the denial of education to these populations.

82. The Special Rapporteur already underlined in his first report to the Human Rights Council (A/HRC/17/29) that equality of opportunity in education permeates most human rights treaties. Human rights treaties establish the duty to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis, and to provide primary education for all.

E. Ensuring quality education at all levels

83. Enrolment in school does not alone ensure the fulfilment of the right to education if, for example, the quality of the education provided does not correspond to adequate standards. Resource constraints faced in periods of emergency do not justify overlooking basic requirements to ensure quality education, such as the presence of qualified teachers, the availability of adequate educational materials, adequate real teaching time and improved classroom environments.

84. States, international organizations and civil society continue to contribute guidance to improve quality education in emergencies through materials prepared by INEE. A consultative process involving stakeholders concerned with education in emergencies all over the world led to an updated version of the *INEE Minimum Standards for Education: Preparedness, Response, Recovery* providing important policy guidance on the necessary steps to ensure quality education. The recently released *INEE Guidance Notes on Teaching and Learning* provide more specific pedagogical guidance based on the accumulated experience of educators working in emergency situations.

85. As discussed above, the inadequate and short-term funding of emergency and transitional education programmes deeply affect the possibilities of addressing serious deficiencies that result in very low levels of quality in education. Moreover, the overall tendency of humanitarian work to focus solely on primary education limits investment in early childhood care and development, and in secondary and higher education. This bias greatly limits prospects of progression for students and increases the challenges for training teachers.

86. The *EFA Global Monitoring Report 2011* describes a number of issues critical to ensuring quality education for students affected by or at risk of conflict. They include ensuring that children can learn in their mother tongue, particularly at the early stages, rethinking the teaching of history and religion so it illustrates different perspectives on conflict-sensitive issues, and promoting non-violent school environments.

[62] Convention on the Rights of the Child, articles 2 and 28.

[63] Refugee children should be accorded the same treatment as is accorded to nationals with respect to elementary education (art. 22, para. 1) and treatment no less favourable than that accorded to foreigners with respect to education other than elementary education (art. 22, para. 2).

[64] UNESCO, *EFA Global Monitoring Report 2011, Summary*, p. 31.

87. The effective teaching of literacy, numeracy and life skills, such as health preparedness and conflict resolution, is crucial to enhancing resilience during periods of emergency. School staff must be given adequate incentives, and have their capacity enhanced, to give appropriate attention to the psychosocial needs of students, using resources and making schedule arrangements that allow for recreational and expressive activities, as well as referring severely affected students for additional support.

88. The provision of learning achievement certification is another concern related to the quality of education in emergency contexts, in particular for students in refugee schools. Specific strategies are required to ensure that, even in times of crisis, students have their achievements adequately monitored, documented and recognized.

F. Collecting information on education in emergencies

89. Limitations in data collection in emergency situations continue to affect humanitarian efforts as a whole. Lack of capacity to accurately assess education needs limits the possibilities for accurately designing and evaluating education initiatives in emergency contexts. As already mentioned, poor monitoring further results in invisibility and consequent impunity in situations where schools are directly targeted by violence.

90. The *EFA Global Monitoring Report 2011* pointed to serious limitations in data collection in conflict situations: "assessments of need for communities caught up in conflict are at best haphazard, even taking into account the inevitable constraints associated with conducting surveys in conflict affected areas".[65] It also underlined that donors' assessments tend to underestimate needs in the education sector as their proposals are often tailored to meet low expectations of donor funding.[66] Limited attention is paid to needs assessment for qualitative aspects of education, such as textbook supply, hours of study and in-service teacher training. Human resources and infrastructure requirements for secondary education tend also to be completely ignored.

91. Collecting information during emergencies requires specific strategies to overcome the various obstacles faced in such circumstances. These obstacles may include difficult logistics, physical insecurity, the political and ethical implications of activities in rapidly changing environments, and the technical challenges of working with mobile populations and populations with unusual demographic compositions.[67]

92. The Global Education Cluster developed a *Joint Education Needs Assessment Toolkit* in 2010, as well as a *Short Guide for Rapid Needs Assessments* to provide guidance on data collection in emergency situations. The need for further improving monitoring capacities through the definition of a core set of indicators, including estimated numbers of children and youth to be reached, age and gender profiles, patterns of displacement, education materials, teacher and infrastructure

[65] Ibid., p. 216.

[66] Ibid., p. 206.

[67] Jennifer Schlecht and Sara Casey, "Challenges of collecting baseline data in emergency settings", Reproductive Health Access, Information and Services in Emergencies, 2008.

requirements needed to guide the estimation of financing requirements has been underlined.[68]

G. Conclusion and recommendations

93. **As discussed in the previous report on education in emergency situations (A/HRC/8/10), severely limited access to education continues to be a reality for most of the communities affected by emergencies. Despite increased attention by the international community, crucial problems persist: funding for humanitarian activities continues to ignore requirements to ensure education; schools continue to be victimized by direct and indirect violence; and preventive efforts are still timid vis-à-vis an increased impact of natural disasters. To reverse the current trend, States and other entities providing and channelling humanitarian and transitional assistance must pay enhanced attention to education in emergencies. Providing education and ensuring that education is protected during periods of emergency is not a choice, but an obligation.**

94. **In this context, the Special Rapporteur submits the following recommendations:**

(a) Ensuring adequate funding for education in situations of emergency

95. **States must urgently increase their national, bilateral and multilateral funding commitments for education as a pillar of humanitarian and transitional response. Explicit policy commitments must be made to ensure adequate and sustainable domestic and international support for education in situations of emergency, as well as in situations of fragility and protracted crisis. Such commitments must follow through to the final stages of recovery, including in development frameworks. Recipient countries must comply with human rights while seeking and managing international assistance.**

(b) Enhancing the protection of schools from attacks

96. **States must ensure systematic monitoring, documenting and reporting of violations of international human rights and humanitarian law committed against members of education communities and education institutions and settings. The recent adoption by the Security Council of resolution 1998 (2011) must be followed by enhanced attention to the situation of education in future efforts for monitoring violations of child rights during armed conflict. Domestic, regional and international accountability mechanisms, including those of the military, should be fully cognizant of, as well as systematically address, the obligations of State and non-State actors with respect to the right to education and other legal protections guaranteed to members of education communities and institutions. Specific efforts are required to strengthen the capacity of education providers to prevent and respond to attacks.**

[68] UNESCO, *EFA Global Monitoring Report 2011*, p. 217.

(c) Strengthening safety and disaster risk reduction

97. **States must ensure that disaster risk and safety considerations are factored into the planning, design, construction and reconstruction of educational facilities. Disaster risk reduction and preparedness notions should be embedded in education policies and curricula. Participatory processes involving students and their communities must be used to ensure local hazard assessments and preparedness.**

(d) Paying attention to the exclusion of girls and marginalized groups

98. **States must take specific measure to guarantee the education of girls and marginalized groups in situations of emergency. Specific efforts are required to eliminate persistent or emerging patterns of discrimination and to remove physical, financial, cultural and linguistic barriers that contribute to furtheriog inequalities during periods of emergency.**

(e) Ensuring quality education

99. **Those in charge of the provision of education in emergencies must consider the requirements for meeting quality educational standards. Dedicated attention must be paid to improving school curricula, promoting human rights education and addressing the psychosocial needs of students and teachers.**

(f) Developing a common framework for the assessment of education needs in emergencies

100. **Further investments are required to ensure systematic data collection on the situation of education in emergencies. States and international and non-governmental organizations providing support to education in emergencies should work on the development of a common framework for the assessment and reporting of met and unmet education needs in contexts of emergency. Such a framework must take into consideration human rights obligations regarding the right to education.**